

Asm

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Alicia Marie CODERA (1),
Cindy PALOMINO (2),

Defendants.

) Magistrate Case No.: 07MJ8996

) COMPLAINT FOR VIOLATION OF
) 21 U.S.C. § 952 and 960


) Importation of a Controlled Substance
) (Felony)

AMENDED

The undersigned complainant being duly sworn states:

On or about December 17, 2007, within the Southern District of California, defendants Alicia Marie CODERA and Cindy PALOMINO did knowingly and intentionally import approximately 12.38 kilograms (27.23 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.



Douglas A. Struckmeyer
Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO, BEFORE ME, AND SUBSCRIBED IN MY PRESENCE THIS 18th
DAY OF DECEMBER, 2007.



Peter C. Lewis
U.S. MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

3 Alicia Marie CODERA
4 Cindy PALOMINO

5 STATEMENT OF FACTS

6 This complaint is based upon the personal observations, investigation and
7 information provided to U.S. Immigration and Customs Enforcement Special Agent
8 Douglas Struckmeyer.

9 On December 17, 2007, Alicia Marie CODERA and Cindy PALOMINO entered
10 the United States at the Calexico, California East Port of Entry. CODERA was the
11 driver and PALOMINO was the passenger of a 1995 Mitsubishi Montero. Customs and
12 Border Protection Officer (CBPO) A. Barnes took a negative Customs declaration from
13 CODERA and PALOMINO. CBPO Barnes observed that both subjects' hands were
14 trembling during the primary inspection. CBPO Barnes referred CODERA and
15 PALOMINO to secondary for further inspection.

16 CBPO R. Ramos encountered the vehicle in the secondary inspection area and
17 also received a negative declaration from CODERA and PALOMINO. CBPO Ramos
18 conducted a secondary search of the vehicle and observed that the spare tire felt
19 unusually hard.

20 CBPO requested that Canine Enforcement Officer (CEO) M. McGee screen the
21 vehicle with his Narcotic Detector Dog (NDD). The NDD alerted to the presence of an
22 odor of a controlled substance coming from the front driver's side tire.

23 A further search of the vehicle resulted in the discovery of 5 packages hidden
24 within the spare tire. The packages contained a green leafy substance which field-
25 tested positive for marijuana. The total weight of the packages was 12.38 Kilograms.

1 Special Agent's (S/A) Douglas Struckmeyer and Hugo Leon interviewed
2 CODERA and PALOMINO. S/A Struckmeyer furnished each individual with their
3 constitutional rights per Miranda in English with S/A Leon present. Each individual
4 orally waived their rights, as well as signing the written waiver of rights, agreeing to
5 make a statement.
6

7 CODERA stated she knew the vehicle contained marijuana. CODERA stated
8 that PALOMINO had made the arrangements to smuggle the marijuana into the United
9 States. CODERA stated that PALOMINO told her the vehicle contained between 10
10 and 20 kilograms of marijuana concealed within the spare tire. CODERA stated that
11 they were going to be paid \$1,000.00 for smuggling the marijuana into the United
12 States and that they were going to split the money evenly between them.
13

14 PALOMINO gave two separate accounts, both of which were inconsistent with
15 statements given by CODERA. PALOMINO stated they were going to be paid
16 \$1,000.00 for driving the vehicle across the border into the United States, but
17 PALOMINO claimed that she had no knowledge of the contents in the vehicle.
18 PALOMINO stated she was originally suspicious, but she inspected the vehicle and
19 determined that it appeared not to contain any contraband.
20
21

22 CODERA and PALOMINO were arrested by ICE Agents for violations of 21
23 U.S.C. 952 and 960, Importation of Marijuana. They were both booked into the Imperial
24 County Jail, in El Centro, California, pending an appearance in U.S. Magistrate Court.
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